

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:18CR52DPJ-LGI

JAIME ANIVAL HERNANDEZ

**RESPONSE OF THE GOVERNMENT TO
DEFENDANT'S SECOND MOTION TO COMPEL DISCOVERY**

COMES NOW the United States of America and files this, its response to the defendant's second motion to compel discovery, and would show unto the Court the following:

On June 18, 2018, the defendant was arrested in Texas and made his initial appearance on the same day. On August 7, 2018, the defendant appeared before United States Magistrate Judge Linda R. Anderson for the arraignment on the indictment. An order regarding discovery was filed in this case, requiring that general discovery pursuant to Rule 16, Fed.R.Crim.P., and *Brady v. Maryland* be provided to defendant within 30 days of the order on August 7, 2018. The first production of discovery was provided to defendant on August 15, 2018, in accordance with the order entered. The second production of discovery was provided to the defendant on August 30, 2018, in accordance with the order entered. Additional supplemental productions of discovery have been made to the defendant as soon as the Government received the items.

The defendant in its Second Motion to Compel specifically requests the Government to provide the defendant with the following information as it relates to Angela Marie Ramirez: (1) Ms. Ramirez' complete criminal history; (2) the contents and substance of her statements provide to the government via her lawyer and during proffer sessions and witness trial prep meetings; (3)

the complete terms of her cooperating plea agreement with the Government; and (4) all other evidence the government has that may lead to impeachable and exculpatory evidence.

On May 17, 2021, the Government notified counsel for Mr. Hernandez that Ms. Ramirez entered into a guilty plea with the government. The Government fully intends to provide counsel for Mr. Hernandez, the items requested in 1-4 in its five-day disclosures which is discussed in detail in the Order of Discovery entered in this case. The five-day disclosures will be exchanged at 3pm on June 2, 2021 at the office of the United States Attorney. The Government will include complete criminal histories for its non-law enforcement witnesses, plea agreements and plea supplements for cooperating witnesses, and the sum and substance of any statement made by those cooperating witnesses.

The Government previously tendered all audio/video recordings and offense material that relates to Mr. Hernandez and Ms. Ramirez in its initial discovery production and supplement discovery productions. Following the pretrial conference held on June 1, 2021, the Government tendered a copy of the report referencing her statements during the proffer session to Mr. Tanner via electronic mail.

The discovery order requires that the Government provide defendant with (1) a witness list; (2) witness statements; (3) Rule 404(b) material; and (4) Giglio material five calendar days prior to trial on the merits. The Government recognizes and acknowledges its obligations pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), the Jencks Act and Rules 12 and 16 of the Federal Rules of Criminal Procedure. The Government has complied and will continue to comply with its discovery obligations. To the extent that the defendant's motion requests material not discoverable in accordance with such discovery obligations, the Government objects to the requests.

The discovery requests delineated in the motion appear to have already been addressed by the court in the Order Regarding Discovery. The Government has complied, is complying and will continue to comply with its discovery obligations.

Finally, in accordance with the Order Regarding Discovery, the Government also demands reciprocal discovery.

This 1st day of June, 2021.

Respectfully submitted,

DARREN J. LAMARCA
Acting United States Attorney

By: *s/Erin O. Chalk*
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Assistant U.S. Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2021, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to the following:

E. Carlos Tanner, III., Attorney for the Defendant.

This 1st day of June, 2021.

s/Erin O. Chalk
ERIN O. CHALK
Assistant United States Attorney